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9 Attorneys for Plaintiffs  
10 CITY OF HUNTINGTON BEACH, HUNTINGTON  
11 BEACH CITY COUNCIL, MAYOR TONY STRICKLAND  
12 and MAYOR PRO TEM GRACEY VAN DER MARK

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA

15 CITY OF HUNTINGTON BEACH, a  
16 California Charter City, and Municipal  
17 Corporation, the HUNTINGTON  
18 BEACH CITY COUNCIL, MAYOR OF  
19 HUNTINGTON BEACH, TONY  
20 STRICKLAND, and  
21 MAYOR PRO TEM OF  
22 HUNTINGTON BEACH, GRACEY  
23 VAN DER MARK

24 Plaintiffs,

25 v.

26 GAVIN NEWSOM, in his official  
27 capacity as Governor of the State of  
28 California, and individually; GUSTAVO  
VELASQUEZ in his official capacity as  
Director of the State of California  
Department of Housing and Community  
Development, and individually; STATE  
LEGISLATURE; STATE OF  
CALIFORNIA DEPARTMENT OF  
HOUSING AND COMMUNITY  
DEVELOPMENT; SOUTHERN

CASE NO. 8:23-CV-00421-FWD-ADSx

**PLAINTIFFS' OPPOSITION TO  
DEFENDANT STATE'S REQUEST  
FOR JUDICIAL NOTICE**

Date: July 27, 2023

Time: 10:00 a.m.

Ctrm: 10D

1 CALIFORNIA ASSOCIATION OF  
2 GOVERNMENTS; and  
3 DOES 1-50, inclusive,

4 Defendants.

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6 Plaintiff CITY OF HUNTINGTON BEACH (“City”) opposes the State’s  
7 Request for Judicial Notice on the following grounds:

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10 1. Regarding **Exhibit 1**, the previous case filed by the City of Huntington  
11 Beach versus the State of California, that case did not allege federal  
12 constitutional violations. Now, the City has alleged constitutional  
13 violations in addition to challenging the determination and RHNA  
14 process based on the Department of Finance’s recent auditing reports.  
15 Accordingly, this previous lawsuit is of no relevance because this  
16 lawsuit has asserted different causes of action that occurred after the  
17 City v. State lawsuit was dismissed. For example, RHNA allocated  
18 13,368 units in July 1, 2021. That allocation could not have been  
19 discussed in the previous State lawsuit because it had not occurred yet.
- 20 2. **Exhibit 3**, the proposed amended complaint, is not a pleading that has  
21 been “filed” with the Court. The State suggests the failure to adopt a  
22 compliant sixth cycle housing element has been “added” is not  
23 technically true, nor should this fact be judicially noticed since it is a  
24 disputed complaint that has not been filed and has not become a public  
25 record. To date, the only complaint on file by the State alleges lack of  
26 compliance with ADU dwellings and SB 9 lot divisions, both of which  
27 are moot.

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1 Dated: June 6, 2023 MICHAEL E. GATES, CITY ATTORNEY

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3 By: /s/ MICHAEL E. GATES  
4 MICHAEL E. GATES, CITY ATTORNEY  
5 Attorney for Plaintiffs,  
6 CITY OF HUNTINGTON BEACH,  
7 HUNTINGTON BEACH CITY COUNCIL,  
8 MAYOR TONY STRICKLAND and  
9 MAYOR PRO TEM GRACEY VAN DER MARK  
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